

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Telecom Supply, Inc.)	File No. EB-02-TS-557
)	
Operator of Cable System in:)	
)	
Livingston, Texas)	
)	
Request for Waiver of Section 11.11(a) of the)	
Commission's Rules)	

ORDER

Adopted: February 25, 2003**Released: March 3, 2003**

By the Chief, Technical and Public Safety Division, Enforcement Bureau:

1. In this *Order*, we grant Telecom Supply, Inc. ("TSI") a temporary, one-month waiver of Section 11.11(a) of the Commission's Rules ("Rules") for the above-captioned cable television system. Section 11.11(a) requires cable systems serving fewer than 5,000 subscribers from a headend to either provide national level Emergency Alert System ("EAS") messages on all programmed channels or install EAS equipment and provide a video interrupt and audio alert on all programmed channels and EAS audio and video messages on at least one programmed channel by October 1, 2002.¹

2. The Cable Act of 1992 added new Section 624(g) to the Communications Act of 1934 ("Act"), which requires that cable systems be capable of providing EAS alerts to their subscribers.² In 1994, the Commission adopted rules requiring cable systems to participate in EAS.³ In 1997, the Commission amended the EAS rules to provide financial relief for small cable systems.⁴ The Commission declined to exempt small cable systems from the EAS requirements, concluding that such an

¹ 47 C.F.R. § 11.11(a).

² Cable Television Consumer Protection and Competition Act of 1992, Pub. L. No. 102-385, § 16(b), 106 Stat. 1460, 1490 (1992). Section 624(g) provides that "each cable operator shall comply with such standards as the Commission shall prescribe to ensure that viewers of video programming on cable systems are afforded the same emergency information as is afforded by the emergency broadcasting system pursuant to Commission regulations" 47 U.S.C. § 544(g).

³ *Amendment of Part 73, Subpart G, of the Commission's Rules Regarding the Emergency Broadcast System, Report and Order and Further Notice of Proposed Rule Making*, FO Docket Nos. 91-171/91-301, 10 FCC Rcd 1786 (1994) ("First Report and Order"), reconsideration granted in part, denied in part, 10 FCC Rcd 11494 (1995).

⁴ *Amendment of Part 73, Subpart G, of the Commission's Rules Regarding the Emergency Broadcast System, Second Report and Order*, FO Docket Nos. 91-171/91-301, 12 FCC Rcd 15503 (1997) ("Second Report and Order").

exemption would be inconsistent with the statutory mandate of Section 624(g).⁵ However, the Commission extended the deadline for cable systems serving fewer than 10,000 subscribers to begin complying with the EAS rules to October 1, 2002, and provided cable systems serving fewer than 5,000 subscribers the option of either providing national level EAS messages on all programmed channels or installing EAS equipment and providing a video interrupt and audio alert on all programmed channels and EAS audio and video messages on at least one programmed channel.⁶

3. TSI filed a request for a temporary, one-month waiver of Section 11.11(a) for the captioned cable system on September 25, 2002. In support of its waiver request, TSI states that it has ordered EAS equipment for the small, rural cable system which serves approximately 450 subscribers. Based on information provided by its vendor, TSI further states that the EAS equipment is scheduled for delivery by October 15, 2002. Finally, TSI believes that it can bring its cable system into EAS compliance by November 1, 2002.

4. Based upon our review of the information submitted by TSI, we conclude that a temporary, one-month waiver of Section 11.11(a) for the captioned cable system is warranted.⁷

5. Accordingly, **IT IS ORDERED** that, pursuant to Sections 0.111, 0.204(b) and 0.311 of the Rules,⁸ Telecom Supply, Inc. **IS GRANTED** a waiver of Section 11.11(a) of the Rules until November 1, 2002 for the captioned cable television system.

6. **IT IS FURTHER ORDERED** that Telecom Supply, Inc. place a copy of this waiver in its system file.

7. **IT IS FURTHER ORDERED** that a copy of this *Order* shall be sent by Certified Mail Return Receipt Requested to counsel for Telecom Supply, Inc., Marci E. Greenstein, Esq., Kraskin, Lesse & Cosson, LLP, 2120 L Street, N.W., Suite 520, Washington, D.C. 20037.

FEDERAL COMMUNICATIONS COMMISSION

Joseph P. Casey
Chief, Technical and Public Safety Division
Enforcement Bureau

⁵ *Id.* at 15512-13.

⁶ *Id.* at 15516-15518.

⁷ The waiver will extend from October 1, 2002, until November 1, 2002. Additionally, we clarify that the waiver we are granting also encompasses the EAS testing and monitoring requirements.

⁸ 47 C.F.R. §§ 0.111, 0.204(b) and 0.311.